

**GRIEVANCE AND APPEAL PROCEDURES,
EXCLUDED EMPLOYEES ONLY** 1070
(September 1988)

GRIEVANCES 1071
(September 1988)

PURPOSE 1071.1
(September 1988)

These procedures are intended to provide for the prompt review and resolution of issues, either informally or formally, at the lowest possible level.

SCOPE 1071.2
(September 1988)

This grievance procedure may be used by any supervisor, manager, or confidential employee over the interpretation or application of a statute, regulation, policy, or practice. This does not include exam, discrimination, or adverse action appeals, which are handled through separate procedures.

"Nonmerit statutory appeals" pertain to specific situations which must be appealed directly to the Department of Personnel Administration (DPA) and which are also not subject to the grievance procedure ([see Section 1072](#)).

DEFINITIONS 1071.3
(September 1988)

- "Excluded employee" means an employee of the state excluded from or otherwise without exclusive representation under the State Employer Employee Relations Act (SEERA). Excluded employees are designated supervisors, managers, and confidential employees.
- "Represented employee" (rank-and-file) means a state employee as defined in Government Code (GC) section 3513(c), excluding supervisory employees in accordance with GC section 3522 (SEERA).
- "Grievance," in the context of this procedure, means a dispute of one or more employees involving the application or interpretation of a statute, regulation, policy, or practice.

- Please note that there is a distinction between a grievance and an appeal, depending on the action in question. A grievance relates to disputes regarding interpretation and application of statutes, regulations, policies, or practices. An appeal pertains to specified actions for which a review must be initiated directly with DPA. Matters of appeal are not subject to the grievance procedure.

FORMS

1071.4

(September 1988)

An excluded employee who submits a grievance under this procedure should use the Excluded Employee Complaint form STD 631.

REPRESENTATION

1071.5

(September 1988)

- Excluded employees may choose to be represented by the person of their choice, including an attorney, another excluded employee, or themselves.
- Organizational representatives must serve on behalf of employee organizations recognized by DPA under California Code of Regulations (CCR) section 599.857.
- Excluded employees shall not participate in the handling of grievances on behalf of rank-and-file employees. Rank-and-file employees shall not participate in the handling of grievances on behalf of excluded employees.
- Employees and their representatives, if also state employees, may be authorized a reasonable amount of work time, as determined by the supervisor, to prepare and present a grievance.

TIME LIMITS

1071.6

(September 1988)

Each party involved in a grievance shall attempt to resolve it promptly and to complete responses within the time limits contained in the grievance procedure. However, with mutual consent, the time limit for any step may be extended.

GRIEVANCE PROCEDURE

(September 1988)

1071.7

Informal Discussion

The employee or employee's representative must discuss the grievance with the employee's immediate supervisor. If the grievance is not settled within five work days, the employee may file a formal written grievance.

Formal Grievance Level 1

A formal grievance may be filed no later than ten work days after the event or circumstance occasioning the grievance. The first level of review shall respond to the grievance in writing within ten work days from receipt of the formal grievance.

Formal Grievance Level 2

An employee may appeal the first-level decision within ten work days after receipt of the response. An employee may also appeal to the second level if the first-level reviewer does not respond within the time limit and there is no agreement to extend the time. The second level of review shall respond in writing to the grievance within 15 work days from receipt of the appeal.

Formal Grievance Level 3

An employee may appeal the second level decision within ten work days after receipt of the response. An employee may also appeal to the third level if the second-level reviewer does not respond within the time limits and there is no agreement to extend the time. The third level of review shall respond in writing to the grievance within 15 work days from receipt of the appeal.

Formal Grievance Level 4

An employee may appeal the third-level decision to DPA within ten work days after receipt of the third-level response. DPA will respond to the grievance within 20 work days.

[\(see next section\)](#)

[\(see HB Table of Contents\)](#)

[\(see Forms or Forms Samples\)](#)